



CORPORATION SERVICE COMPANY®

## Notice of Service of Process

null / ALL  
Transmittal Number: 16257513  
Date Processed: 02/17/2017

**Primary Contact:** Arlene Smith  
Liberty Mutual Insurance Company  
175 Berkeley Street  
Boston, MA 02116

---

<b>Entity:</b>	Safeco Insurance Company Of Indiana Entity ID Number 2780991
<b>Entity Served:</b>	Safeco Insurance Company of Indiana
<b>Title of Action:</b>	Patti Deng-Wong vs. Safeco Insurance Company of Indiana
<b>Document(s) Type:</b>	Citation/Petition
<b>Nature of Action:</b>	Contract
<b>Court/Agency:</b>	Collin County District Court, Texas
<b>Case/Reference No:</b>	401-00715-2017
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	02/17/2017
<b>Answer or Appearance Due:</b>	10:00 am Monday next following the expiration of 20 days after service
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	William X. King 713-655-1405

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

**EXHIBIT C-1**



ERIKA RUIZ  
COLLIN COUNTY DISTRICT CLERK  
2100 BLOOMDALE RD  
MCKINNEY, TX 75071-8318



9214 8901 0661 5400 0102 9291 51

**RETURN RECEIPT (ELECTRONIC)**

**401-00715-2017**

SAFECO INSURANCE COMPANY OF INDIANA  
THROUGH REGISTERED AGENT: CORPORATION SERVICE  
COMPANY  
211 E 7TH ST STE 620  
AUSTIN, TX 78701-3218

CUT / FOLD HERE

6x9" ENVELOPE  
CUT / FOLD HERE

CUT / FOLD HERE

CITATION BY MAILING  
THE STATE OF TEXAS  
401-00715-2017

Patti Deng-Wong vs. Safeco Insurance Company of  
Indiana

401st District Court  
Of Collin County, Texas

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

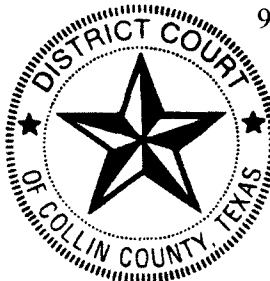
**TO: Safeco Insurance Company of Indiana**  
**By Serving it's Registered Agent Corporation Service Company**  
**211 East 7th Street, Suite 620**  
**Austin, TX 78701-3218, Defendant**

You are commanded to appear by filing a written answer to **Plaintiff's Original Petition** at or before ten o'clock A.M. on the Monday next after the expiration of twenty days after the date of service of this citation before the 401st District Court of Collin County, Texas at the Courthouse of said County in McKinney, Texas.  
Said Plaintiff's Petition was filed in said court, by William X. King, Daly & Black, P.C., 2211 Norfolk Street, Suite 800, Houston, TX 77098 (Attorney for Plaintiff), on the 13th day of February, 2017.

Issued and given under my hand and seal of said Court at McKinney, Texas, on this the 15th day of February, 2017.

ATTEST: Lynne Finley, District Clerk  
Collin County, Texas  
Collin County Courthouse  
2100 Bloomdale Road  
McKinney, Texas 75071  
972-548-4320, Metro 972-424-1460, ext. 4320

Signed: 2/15/2017 8:09:14 AM



By: Erika Ruiz, Deputy  
Erika Ruiz

The law prohibits the Judge and the clerks from giving legal advice, so please do not seek legal advice. Any questions you have should be directed to an attorney.

Filed: 2/13/2017 1:51:25 PM  
Lynne Finley  
District Clerk  
Collin County, Texas  
By Erika Ruiz Deputy  
Envelope ID: 15284968

CAUSE NO. 401-00715-2017

PATTI DENG-WONG,

Plaintiff,

vs.

SAFECO INSURANCE COMPANY OF  
INDIANA,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

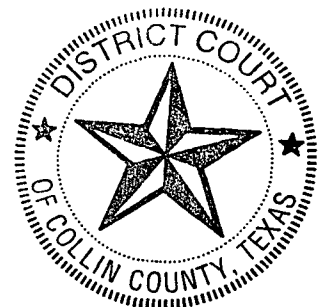
Patti Deng-Wong ("Ms. Deng-Wong"), Plaintiff herein, files this Original Petition against Defendant Safeco Insurance Company of Indiana ("Safeco") and, in support of her causes of action, would respectfully show the Court the following:

**I.**  
**THE PARTIES**

1. Patti Deng-Wong is a Texas resident who resides in Collin County, Texas.
2. Safeco is an insurance company doing business in the State of Texas which may be served through its registered agent for service of process in the State of Texas, Corporation Service Company, via certified mail at 211 East 7th Street, Suite 620, Austin, TX 78701-3218.

**II.**  
**DISCOVERY**

3. This case is intended to be governed by Discovery Level 2.



**III.**  
**CLAIM FOR RELIEF**

4. The damages sought are within the jurisdictional limits of this court. Plaintiff currently seeks monetary relief over \$100,000, but not more than \$200,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees.

**IV.**  
**JURISDICTION AND VENUE**

5. This court has subject matter jurisdiction of this cause of action because it involves an amount in controversy in excess of the minimum jurisdictional limits of this Court. No diversity of citizenship exists in this matter.

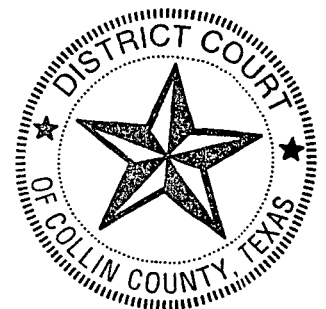
6. Venue is proper in Collin County because all or a substantial part of the events or omissions giving rise to the claim occurred in Collin County. TEX. CIV. PRAC & REM CODE § 15.002(a)(1). In particular, the loss at issue occurred in Collin County.

**V.**  
**FACTUAL BACKGROUND**

7. Ms. Deng-Wong is a named insured under a property insurance policy issued by Safeco.

8. On or about April 11, 2016 a storm hit the Plano, Texas area, damaging Ms. Deng-Wong's house and other property. Ms. Deng-Wong subsequently filed a claim on her insurance policy.

9. Defendant improperly denied and/or underpaid the claim.



10. The adjuster assigned to the claim conducted a substandard investigation and inspection of the property, prepared a report that failed to include all of the damages that were observed during the inspection, and undervalued the damages observed during the inspection.

11. This unreasonable investigation led to the underpayment of Plaintiff's claim.

12. Moreover, Safeco performed an outcome-oriented investigation of Plaintiff's claim, which resulted in a biased, unfair and inequitable evaluation of Plaintiff's losses on the property.

**VI.**  
**CAUSES OF ACTION**

13. Each of the foregoing paragraphs is incorporated by reference in the following:

**A. Breach of Contract**

14. Safeco had a contract of insurance with Plaintiff. Safeco breached the terms of that contract by wrongfully denying and/or underpaying the claim and Plaintiff was damaged thereby.

**B. Prompt Payment of Claims Statute**

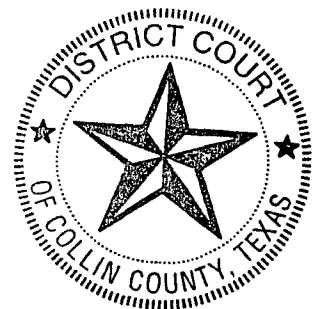
15. The failure of Safeco to pay for the losses and/or to follow the statutory time guidelines for accepting or denying coverage constitutes a violation of Section 542.051 *et seq.* of the Texas Insurance Code.

16. Plaintiff, therefore, in addition to Plaintiff's claim for damages, is entitled to 18% interest and attorneys' fees as set forth in Section 542.060 of the Texas Insurance Code.

**C. Bad Faith/Deceptive Trade Practices Act ("DTPA")**

17. Defendant is required to comply with Chapter 541 of the Texas Insurance Code.

18. Defendant violated Section 541.051 of the Texas Insurance Code by:



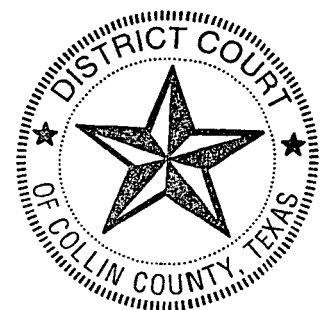
- (1) making statements misrepresenting the terms and/or benefits of the policy.

19. Defendant violated Section 541.060 by:

- (1) misrepresenting to Plaintiff a material fact or policy provision relating to coverage at issue;
- (2) failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim with respect to which the insurer's liability had become reasonably clear;
- (3) failing to promptly provide to Plaintiff a reasonable explanation of the basis in the policy, in relation to the facts or applicable law, for the insurer's denial of a claim or offer of a compromise settlement of a claim;
- (4) failing within a reasonable time to affirm or deny coverage of a claim to Plaintiff or submit a reservation of rights to Plaintiff; and
- (5) refusing to pay the claim without conducting a reasonable investigation with respect to the claim;

20. Defendant violated Section 541.061 by:

- (1) making an untrue statement of material fact;
- (2) failing to state a material fact necessary to make other statements made not misleading considering the circumstances under which the statements were made;
- (3) making a statement in a manner that would mislead a reasonably prudent person to a false conclusion of a material fact;
- (4) making a material misstatement of law; and

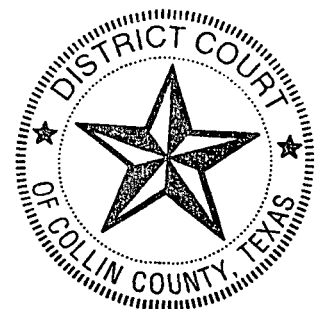


(5) failing to disclose a matter required by law to be disclosed.

21. At all material times hereto, Plaintiff was a consumer who purchased insurance products and services from Defendant.

22. Defendant has violated the Texas DTPA in the following respects:

- (1) Defendant represented that the agreement confers or involves rights, remedies, or obligations which it does not have, or involve, or which are prohibited by law;
- (2) Safeco failed to disclose information concerning goods or services which was known at the time of the transaction when such failure to disclose such information was intended to induce the consumer into a transaction that the consumer would not have entered into had the information been disclosed;
- (3) Safeco, by accepting insurance premiums but refusing without a reasonable basis to pay benefits due and owing, engaged in an unconscionable action or course of action as prohibited by Section 17.50(a)(1)(3) of the DTPA in that Safeco took advantage of Plaintiff's lack of knowledge, ability, experience, and capacity to a grossly unfair degree, that also resulted in a gross disparity between the consideration paid in the transaction and the value received, in violation of Chapter 541 of the Texas Insurance Code.





23. Defendant knowingly committed the acts complained of. As such, Plaintiff is entitled to exemplary and/or treble damages pursuant to the DTPA and Texas Insurance Code Section 541.152(a)-(b).

**D. Attorneys' Fees**

24. Plaintiff engaged the undersigned attorney to prosecute this lawsuit against Defendant and agreed to pay reasonable attorneys' fees and expenses through trial and any appeal.

25. Plaintiff is entitled to reasonable and necessary attorney's fees pursuant to Texas Civil Practice and Remedies Code Sections 38.001-38.003 because she is represented by an attorney, presented the claim to Defendant, and Defendant did not tender the just amount owed before the expiration of the 30<sup>th</sup> day after the claim was presented.

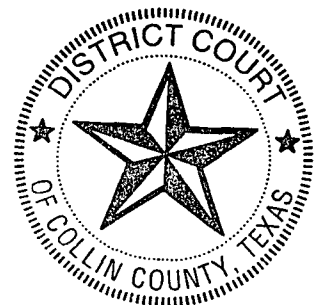
26. Plaintiff further prays that she be awarded all reasonable attorneys' fees incurred in prosecuting her causes of action through trial and any appeal pursuant to Sections 541.152 and 542.060 of the Texas Insurance Code.

**VII.**  
**CONDITIONS PRECEDENT**

27. All conditions precedent to Plaintiff's right to recover have been fully performed, or have been waived by Defendant.

**VIII.**  
**DISCOVERY REQUESTS**

28. Pursuant to Rule 194, you are requested to disclose, within fifty (50) days after service of this request, the information or material described in Rule 194.2(a)-(l).



29. You are also requested to respond to the attached interrogatories, requests for production, and requests for admissions within fifty (50) days, in accordance with the instructions stated therein.

**IX.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Patti Deng-Wong prays that, upon final hearing of the case, she recover all damages from and against Defendant that may reasonably be established by a preponderance of the evidence, and that Ms. Deng-Wong be awarded attorneys' fees through trial and appeal, costs of court, pre-judgment interest, post-judgment interest, and such other and further relief, general or special, at law or in equity, to which Ms. Deng-Wong may show herself to be justly entitled.

Respectfully submitted,

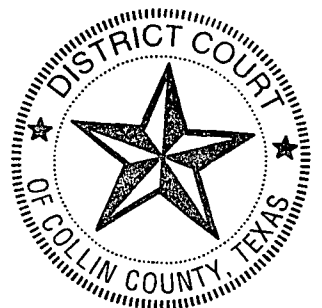
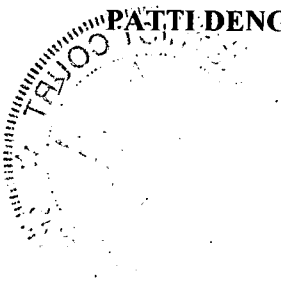
**DALY & BLACK, P.C.**

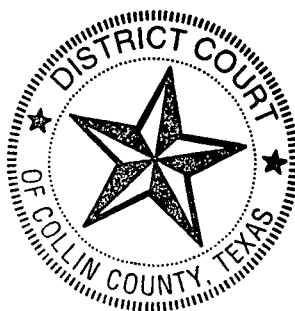
By: /s/ William X. King

Richard D. Daly  
TBA No. 00796429  
[rdaly@dalyblack.com](mailto:rdaly@dalyblack.com)  
[ecfs@dalyblack.com](mailto:ecfs@dalyblack.com)  
William X. King  
TBA No. 24072496  
[wking@dalyblack.com](mailto:wking@dalyblack.com)  
James Willis  
TBA No. 24088654  
[jwillis@dalyblack.com](mailto:jwillis@dalyblack.com)  
2211 Norfolk St., Suite 800  
Houston, Texas 77098  
713.655.1405—Telephone  
713.655.1587—Fax

**ATTORNEYS FOR PLAINTIFF**  
**PATTI DENG-WONG**

Plaintiff's Original Petition  
COLLIN COUNTY, TEXAS  
DISTRICT CLERK





STATE OF TEXAS )  
COUNTY OF COLLIN )

I, Lynne Finley, District Clerk in and for Collin County Texas,  
do hereby certify that the above foregoing is a true and correct copy of the  
original document as the same appears on the file in the District Court,  
Collin County, Texas. Witness my hand and seal of said Court, this  
the 15 day of FEB, A.D., 20 17

LYNNE FINLEY, DISTRICT CLERK  
COLLIN COUNTY, TEXAS

Emilia Ruiz DEPUTY

**CERTIFIED MAIL**

neopost

FIRST-CLASS MAIL

02/15/2017

**US POSTAGE**

**\$005.47<sup>0</sup>**



ZIP 75071  
041M12250879

7870183218 0015

